

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

ZACHARY N. TROST and
KIMBERLY A. TROST,

Case No. GL 13-05887
Chapter 7

Debtor.

SHERRY TROST,

Adversary Proceeding
No. 13-80266

Plaintiff,

-vs-

ZACHARY N. TROST,

Defendant.

FIRST PRETRIAL ORDER

A first pretrial conference respecting the above adversary proceeding took place in Lansing, Michigan, on December 18, 2013. Appearing at the pretrial conference were:

Troy Richmond Hendrickson, Esq., attorney for Plaintiff.

Christian Eiler, Esq., appearing for Michael Robert Behan, Esq., attorney for Defendant.

Jurisdiction

Jurisdiction exists pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).

Issues

1. Does the Defendant/Debtor owe the Plaintiff a nondischargeable debt based upon:

- a. fraud, 11 U.S.C. § 523(a)(2)(A); or
 - b. willful and malicious injury to the property of another, 11 U.S.C. § 523(a)(6)?
2. A federal court judgment exists, is it entitled to collateral estoppel effect?
3. Should the Defendant/Debtor's discharge be denied for alleged:
 - a. failure to disclose assets, 11 U.S.C. § 727(a)(2); or
 - b. bad faith filing, In re Zick, 931 F.2d 1124 (6th Cir. 1991)?
4. The Defendant/Debtor has raised the following affirmative defenses:
 - a. res judicata;
 - b. failure to state a claim; and
 - c. no genuine contested facts (Comment: This appears to be a summary judgment issue).

Pleadings

All parties believe that the pleadings are now in order.

In the event that any party desires to file an amended pleading, such pleading shall only be filed upon stipulation by the other party (or parties) or pursuant to court order, after filing a motion to amend.

Dispositive Motions

The parties have informed the court that a dispositive motion may be filed in connection with this adversary proceeding, e.g., collateral estoppel. Any such dispositive motion shall be filed on or before **February 1, 2014**. If timely filed, the court shall issue a notice of hearing or a scheduling order and the hearing date shall likely be **Friday, February 21, 2014**.

Discovery

Discovery in this adversary proceeding shall remain open until further order of the court.


Possible Settlement

The court encourages settlement.

Subsequent Pretrial Conference Date

A second pretrial conference, if necessary, will be held on **Thursday, April 10, 2014 at 1:30 p.m. in Lansing, Michigan.**

Dated: December 23, 2013
at Grand Rapids, Michigan



Honorable James D. Gregg
United States Bankruptcy Judge

A copy of this order has been served by the court pursuant to its CM/ECF electronic notification procedures upon:

Troy Richmond Hendrickson, Esq.
Christian Eiler, Esq.
Michael Robert Behan, Esq.